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8 UNITED STATES BANKRUPTCY COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 In re: **Case No. 11-40493 WJL**

11 **DONALD JOSEPH DI CLEMENTI and**
LAURA MICHELLE DI CLEMENTI,
12 **Debtors.** /

Chapter 13

**MOTION TO AVOID JUDICIAL LIEN
IMPAIRING EXEMPTION AND NOTICE
OF DEADLINE TO REQUEST A HEARING**

14 TO: *GCFS, Inc.*

15 The real property, which is the subject of this motion, is the
16 Debtors' principal place of residence and is located at 26581 Joshua
17 Street, Hayward, CA 94544. On January 13, 2011, GCFS, Inc., caused to be
18 recorded an Abstract of Judgment, number 2011020320, with the Alameda
19 County Recorder's Office in the sum of \$20,378.67, attached hereto as
20 Exhibit A. The lien impairs the Debtors' ability to exempt the real
21 property under C.C.P. §703.140(b)(1).

22 Debtors hereby move the Court for an order pursuant to 11 U.S.C.
23 Section 522(f)(1)(A) avoiding the lien of GCFS, Inc. on their real
24 property. Debtors are entitled to an order avoiding the lien on the
25 grounds that the lien is a judicial lien which impairs an exemption to
26 which debtors are otherwise entitled.

1 **PLEASE TAKE NOTICE:**

2 (i) That Local Rule 9014-1 of the United States Bankruptcy Court
3 for the Northern District of California prescribes the procedures to be
4 followed and that any objection to the requested relief, or a request
5 for hearing on the matter must be filed and served upon the undersigned
6 within twenty-one (21) days of mailing of this notice;

7 (ii) That a request for hearing or objection must be accompanied by
8 any declarations or memoranda of law the party objecting or requesting
9 wishes to present in support of its position;

10 (iii) That if there is not a timely objection to the requested
11 relief or a request for hearing, the Court may enter an order granting
12 the relief by default; and

13 (iv) That the undersigned will give at least seven (7) days written
14 notice of hearing to the objecting or requesting party, and to any
15 trustee or committee appointed in the case, in the event an objection or
16 request for hearing is timely made.

17 WHEREFORE, debtors request that an Order be entered avoiding the
18 judicial lien of GCFS, Inc.

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20 Dated: June 10, 2011

/s/ Patrick L. Forte
PATRICK L. FORTE
Attorney for Debtors